

Racial disparities in Iowa's Justice System

Research Paper – October 2019

Problem:

There have been numerous news stories and anecdotal evidence regarding Iowa's criminal justice system and the disparate treatment of African Americans who encounter it. Research and data confirm the assertions of these stories.

According to [2017 data](#), African Americans comprise 3.8% of Iowa's population, but disproportionately comprise 24.5% of Iowa's prison population. The argument, "if you do the crime, you do the time" is often heard in response to concerns about the incarceration of black Iowans, implying that white Iowans commit crimes at a lesser rate. That claim does not hold up when one looks at research relating to this issue.



According to a 2013 [American Civil Liberties Union report](#), "Iowa has the largest racial disparity in the country for arrests for marijuana possession, with blacks being more than eight times as likely to be arrested than whites, **even though whites use marijuana at about the same rate...**" (emphasis added). That same report also points to Iowa's dismal record as one of the worst states for incarcerating black citizens. This points to a serious problem of unequal treatment in Iowa's justice system.

Another indicator that Iowa is particularly problematic is seen when comparing Iowa's incarceration rates to other states. It is not probable that black Iowans would commit crimes at a greater rate than black residents of other states, including states with comparable populations. Yet, when looking at the [racial breakdown of incarceration rates of other states](#), provided by [the Sentencing Project](#), Iowa does not fare well.

The [impact of over-incarceration](#) of black Iowans cannot be underestimated. Any criminal history harms an individual's ability to obtain or maintain employment and housing. It also impacts educational prospects; can affect family relationships; and interferes with a parent's legal and personal relationships with his or her children. Many individuals are strapped with unmanageable debt through associated costs. Ultimately, it's a societal problem that must be addressed.

It's difficult to pinpoint the aspect of the justice system responsible for this problem. Our criminal justice system is comprised of many components: state laws enacted by the Legislature, law enforcement, county attorneys, defense attorneys, the courts, the Department of Corrections and Community Based Corrections, among others. It may be the entire system acting in concert that leads to dramatic racial disparities.

Ultimately, we need an honest acknowledgement of the problem and a multi-faceted approach to address it.

What is being done to address the problem?

The Iowa-Nebraska branch of the National Association for the Advancement of Colored People (NAACP), the American Civil Liberties Union of Iowa (ACLU) and other organizations have promoted legislation aimed at fixing Iowa's problem. Racial profiling bills include 2019's [SSB 1038](#), which did not make any progress. Iowa Supreme Court Chief Justice Cady and Iowa's Judicial Branch have been educating judges on [implicit bias](#) and how it affects judicial decision making when a criminal defendant is black or a member of any racial minority.

The Iowa Nebraska NAACP has held an [Iowa Summit on Justice and Disparities](#) yearly for the past seven years. The Summit brings together justice system stakeholders to take an in-depth look at the overrepresentation of African Americans in the system and find solutions. At the 2015 Summit, Governor Terry Branstad announced a [Governor's Working Group on Criminal Justice Policy Reform](#). The Governor's directive provided a very limited scope of inquiry, and

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only one of eight appointees to the working group was African American. That group did not address such issues as racial profiling, burdensome criminal debt and cash bail, or voting rights.

At this year's Summit on October 15—a full four years after Branstad's working group—Governor Kim Reynolds announced another working group to look into racial disparities in Iowa's justice system. She is calling it her [FOCUS Committee on Criminal Justice Reform](#) (Fueling Ongoing Collaboration and Uncovering Solutions). She announced that Lt. Governor Adam Gregg will chair the committee. There was lots of hoopla and numerous news articles around her announcement, but no details were provided.

The [Governor has now appointed these members](#) to the FOCUS group:

- Adam Gregg, Lt. Governor (Chair)
- Dr. Beth Skinner, Director, Department of Corrections
- Helen Miller, Chair, Board of Parole
- Steve Bayens, Commissioner, Department of Public Safety
- Judy Bradshaw, Director, Iowa Law Enforcement Academy
- Jeff Wright, State Public Defender
- Bruce Vander Sanden, Director, Sixth Judicial District, Department of Correctional Services
- Betty Andrews, President of the Iowa-Nebraska NAACP
- Rev. Alfonso Perez, Member, Commission of Latino Affairs
- John Koufos, National Director of Reentry Initiatives, Right on Crime
- Janelle Melohn, Director, Crime Victims Assistance Division, Office of the Attorney General
- Jennifer Miller, Marshall County Attorney
- Darius Potts, Ankeny Police Chief
- Tim Lane, Scott County Sheriff

It's important to note that there already are recommendations for improving Iowa's racial disparities, including [those from Iowa's Public Safety Advisory Board](#), which was comprised of multiple justice system stakeholders. Hopefully, the Governor's FOCUS group will use existing recommendations when they enter into discussions and make recommendations.

Iowans don't need another summit or study on racial disparities in our justice system. We need the Legislature and Governor to take meaningful steps to address this appalling and extremely harmful problem.